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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,449	04/01/2004	Siegfried Heer	03959-P0023A	9256

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EXAMINER

BEAULIEU, YONEL

ART UNIT PAPER NUMBER

3661

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/816,449	Applicant(s) HEER, SIEGFRIED	
	Examiner Yonel Beaulieu	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to label the related boxes un figures 1 - 6 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **EP 0 776 807** or **EP 0 831 383** as admitted by Applicant.

These known compressed air processing systems include a common structural unit being formed by the pressure control unit, the air dryer and a multi-circuit protection valve. The multi-circuit protection valve for each circuit includes an overflow valve having limited backflow. Conduits lead from the overflow valve to the respective circuits. Usually, the containers of the circuits I and II are associated with the two circuits of an overall brake system. Additional circuits serve to supply the hand brake valve and secondary aggregates. In this way, there may also be a fifth circuit including an overflow valve of the multi-circuit protection valve and leading to a reservoir container via a conduit. The reservoir container is connected to the air suspension system of the motor vehicle. In this way, an air suspension system is supplied with compressed air. The known compressed air processing systems also include an electronic control unit, meaning a special control unit being coordinated with the compressed air processing system with which the respective valves of the pressure control unit,

Art Unit: 3661

the air dryer and the multi-circuit protection valve are controlled.

It would have been obvious to one of ordinary skill in the art at the time of the invention either Patent **EP 0 776 807** or **EP 0 831 383** is at least fully functionally equivalent to the claimed invention because **EP 0 776 807** or **EP 0 831 383** teaches all of the structural features, as admitted, in order to achieve the same end result of processing compressed air for a motor vehicle.

Claims 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hilberer (US 6,540,308 B1).

The Hilberer document (US 6,540,308 B1) discloses a compressed-air processing system for supplying circuits K1 to K4 with pressured air. An internal CAN 24 is connected to the electronic control unit 25 and is connected by way of a CAN data bus line 26 to the CAN network pertaining to the motor vehicle (column 7, lines 31 to 34). The electronic control unit 25 interacts: with the pressure regulator solenoid valve 2 (column 7, lines 61 to 64), pressure sensors 6b-9b (column 7, line 51), data as pressure valves in the service brake circuit and similar data detected by the electronic control system 25 to additional electronic control systems installed in the motor vehicle (column 7, lines 34 to 38) the solenoids 6c-9c (column 7, line 54), and a solenoid valve 6c (column 6, line 24).

The scope of the control unit is to guarantee that the circuits K1 to K4 are supplied with air at the right pressure and the desired low humidity. The circuits K1 and K2 are used for the compressed-air supply of service brake circuits. A parking brake system is connected to circuit K3, while circuit K4 is provided for the connection of accessories (column 6, lines 8 to 13).

Hilberer's teaching further concerns an air suspension system as noted in column 9, lines 17 to 37: "An air suspension marked LF of the truck is also connected to the pressure regulator output hole 22 and can be locked by an electromagnetic overflow valve 4.

Hilberer's teaching is at least fully functionally equivalent to the claimed invention and would have been obvious to one of ordinary skill in the art at the time of the invention because Hilberer teaches all of the structural features in order to achieve the same end result of processing compressed air for a motor vehicle.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims

Art Unit: 3661

are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 – 20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 - 20 of copending Application No. 10/899,480 (US Pub. 2005/0017474). Although the conflicting claims are not identical, they are not patentably distinct from each other

Art Unit: 3661

because it would have been obvious to one of ordinary skill in the art at the time of the invention the same structural features are claimed in order to achieve the same end result of processing compressed air for a motor vehicle.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on M-W 9-3; F 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yonel Beaulieu
Primary Examiner
Art Unit 3661